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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:	§	
	§	CASE NO: 18-40812
ROBERT FARRELL BRINKLEY,	§	
	§	Chapter 13
<i>Debtor.</i>	§	

**OBJECTION TO NOTICE OF TERMINATION OF AUTOMATIC STAY DUE TO
FAILURE TO CURE DEFAULT**

TO THE HONORABLE U.S. BANKRUPTCY COURT JUDGE:

Robert Brinkley (“**Debtor**”) files this *Objection to Notice of Termination of Automatic Stay Due to Failure to Cure Default* (the “**Objection**”) in response to the *Notice of Termination of Automatic Stay Due to Failure to Cure Default* (the “**Default Notice**”) filed by creditor Planet Home Lending (“**PHL**”), and in support thereof respectfully represents:

1. The Default Notice alleges that the Debtor has failed to comply with the terms of the Agreed Order (as referenced therein). However, the allegation is incorrect.
2. Although the Default Notice does not specify the nature of the alleged default, the Debtor has made payments to PHL that have been received by PHL (the payments were sent by certified mail, so Debtor can prove tender to and receipt by PHL) but not negotiated.
3. As a result, the stay has not terminated with respect to PHL in this case.

WHEREFORE, Debtor respectfully request that the Court confirm that the automatic stay in this matter continues and has not been terminated with respect to PHL as otherwise suggested in the Default Notice. Debtor requests that the Court grant Debtor attorneys' fees incurred in responding to this demonstrably incorrect filing. Debtor requests such other and further relief as may be just and proper.

DATED this 4th day of January, 2021.

Respectfully submitted,

THE MITCHELL LAW FIRM, L.P.

/s/ Gregory W. Mitchell

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ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2021, a true and correct copy of the foregoing was served via U.S. Mail and/or ECF to counsel for Planet Home Lending as described in the Default Notice referenced above.

THE MITCHELL LAW FIRM, L.P.

/s/ Gregory W. Mitchell

Gregory W. Mitchell

Attorney for Debtor